

**124.802 SCHOOL TAXES, FUNDS, AIDS**

this result and the amount levied for maintenance purposes shall be paid to the school district from the general fund.

[1973 c 506 s 1]

[For text of subd. 2, see M.S.1971]

(Note: This subdivision is effective for valuations determined after December 31, 1971.)

**124.806 Optional aid entitlement**

Notwithstanding any other provisions of law, any school district which has received aid pursuant to Section 124.802, for the preceding eight years shall be entitled to receive in any school year commencing after July 1, 1973, the greater of the aid under section 124.802 or the average of the aid received during the preceding eight years. This section shall not apply to a district in which the average of the aids received during the eight preceding years exceeds \$90,000.

[1973 c 683 s 25]

**CHAPTER 125. TEACHERS**

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**125.04 Qualified teacher defined**

A qualified teacher is one holding a valid certificate, as hereinafter provided, to perform the particular service for which he is employed in a public school.

[1973 c 749 s 1]

**125.05 Commission to issue certificates**

**Subdivision 1. Qualifications.** The authority to certify teachers as defined herein is vested in the teacher standards and certification commission but based solely on criteria and qualifications approved by the state board of education. The authority to certify superintendents and principals is vested in the state board of education. Certificates shall be issued to such persons as the commission finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the commission under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commissioner shall issue certificates to any qualified blind graduates of a school of education.

[1973 c 749 s 2]

**Subd. 2. Expiration and renewal.** Each certificate shall bear the date of issue. Certificates shall expire and be renewed in accordance with rules promulgated by the commission. Renewal requirements for the renewal of a certificate shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects for which the certificate is valid or the completion of such additional preparation as the commission shall prescribe.

[1973 c 749 s 3]

[For text of subd. 3, see M.S.1971]

**125.06 Applicants trained in other states**

When a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or of the University of Min-

nesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the commission, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota state college or the university of Minnesota or a liberal arts college in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

[1973 c 749 s 4]

#### 125.08 Teachers' certificates, fees

Each application for the issuance, renewal, or extension of a certificate to teach shall be accompanied by a nonrefundable fee in an amount set by the commission. Such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the state auditor the amount of fees collected.

[1973 c 749 s 5]

#### 125.09 Suspension or revocation of certificates

**Subdivision 1. Grounds for revocation.** The commission may, on the written complaint of the board employing a teacher, or of the superintendent of schools where such teacher is employed, or of a teacher organization, or of a teacher in a district where no teacher organization exists, or of the commissioner, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- (4) Failure to meet recertification requirements; or
- (5) Fraud or misrepresentation in obtaining a certificate.

**Subd. 2. Hearing on charges.** The chairman of the commission shall, within 10 days after the filing of the complaint, serve a copy thereof upon the teacher in person or by registered mail addressed to such teacher at his last known address and such teacher shall, within 10 days after the service of such copy upon him, file with the commission his answer to the charges specified. The chairman of the commission shall thereupon fix in writing a time for a hearing upon the complaint, and serve a copy thereof on the teacher. Such hearing shall be conducted by the commission or by the chairman of the commission, as the rules of the commission may provide. The hearing shall be held in the office of the commission unless the teacher at the time of filing his answer shall file therewith a written demand that the hearing be held in the county seat of the county wherein he is employed, in which case it shall be held at such county seat. Such hearing shall be either private or public, as the teacher may elect, and the teacher shall have the right to appear in person and by counsel and produce evidence thereat. All witnesses shall be sworn before testifying and the official conducting such hearing is hereby authorized to administer the oath prescribed by law for witnesses in judicial proceedings. A record in writing shall be made of the proceedings and of all evidence produced thereat and forthwith filed with the commission upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

**Subd. 3. Decision by commission.** Upon concluding such hearing, if conducted by the commission, the commission shall make its decision within 30 days from the date of such hearing. If the hearing is conducted by the chairman or such other person as is authorized by rules of the commission the commission shall make its decision within 30 days from the date of the filing of the hearing report with the commission, which report shall be filed within

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30 days from the date of such hearing. In case of suspension or revocation, the order of the commission shall fix the date at which suspension or revocation becomes effective and, in case of suspension, the duration thereof, and notice thereof shall forthwith be given in writing to the teacher and to the school board by which he is employed.

The action of the commission shall be subject to the provisions of sections 15.0411 to 15.0426. All orders of suspension or revocation shall be included in the certificate records of the commission.

[1973 c 749 s 6]

**125.12 Employment; contracts; termination**

[For text of subds. 1 to 3, see M.S.1971]

**Subd. 4. Termination of contract after probationary period.** A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board, upon one of the grounds specified in subdivision 6, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to 179.77 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date or, if submitted thereafter, shall be effective August 15, and the teachers' right of resignation for the school year then beginning shall cease on August 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

[1973 c 128 s 1]

[For text of subds. 5 to 13, see M.S.1971]

**125.181 Professional practices; Intent**

The purpose of sections 125.181 to 125.185, is to develop standards of ethical conduct for the guidance and improvement of the teaching profession and to provide measures through which the observance of such standards by the members of the profession may be promoted and enforced.

[1973 c 749 s 7]

**125.182 Definitions**

Subdivision 1. For the purpose of Laws 1973, Chapter 749, the words, phrases and terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Teacher" means a supervisor, classroom teacher, or other similar professional employee required to hold a certificate from the state department of education.

Subd. 3. "Commission" means the teacher standards and certification commission.

Subd. 4. "State board" means the state board of education.

[1973 c 749 s 8]

#### 125.183 Membership

Subdivision 1. A teacher standards and certification commission consisting of 15 members is hereby established. Each member shall be appointed by the governor for a four year term and serve until his successor is duly appointed and qualified. No member shall be reappointed for more than one additional term. A vacancy during the term of a member shall be filled by the governor for the unexpired term.

Subd. 2. Initial appointments shall be made by November 15, 1973 for terms as follows: five members shall be appointed for terms ending November 15 in each of the years 1974, 1975 and 1976. Thereafter each member shall be appointed for a full four year term.

Subd. 3. Except for the representatives of higher education and the public, to be eligible for appointment to the commission a person must be fully certificated for the position he holds and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The commission shall be composed of one teacher whose responsibilities are those either of a counsellor, librarian, psychologist, remedial reading teacher, speech therapist, vocational teacher, or certified school nurse, four elementary school classroom teachers, four secondary classroom teachers, three higher education representatives, from higher education faculties preparing teachers, two of whom shall be representatives of state institutions and one of whom shall be a representative of private institutions; one school administrator and two members of the public. Each nominee other than a public nominee shall be selected on the basis of his professional experience, and knowledge of teacher education, accreditation and certification.

Subd. 4. The position of a member who leaves Minnesota or whose employment status changes to a category different from that from which he was appointed shall be deemed vacant.

[1973 c 749 s 9]

#### 125.184 Meetings

Subdivision 1. The commission shall meet regularly at quarterly intervals at the seat of government and at such other times and places as the commission shall determine. Meetings shall be called by the chairman or at the written request of any eight members. The members of the commission shall receive compensation of the sum of \$35 per day for attendance at commission meetings and ordinary and necessary expenses in the same amount and manner as state employees. When attendance at commission meetings requires a member to absent himself from other public employment, the compensation paid for other public employment shall be reduced by the amount of compensation paid for attendance at commission meetings.

Subd. 2. The commissioner of education shall serve as secretary of the commission and, in his discretion, may assign such persons as may be required to perform clerical and professional assistance to the commission.

[1973 c 749 s 10]

#### 125.185 Duties

Subdivision 1. The commission shall, after public hearings, develop a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

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Subd. 2. The commission shall act in an advisory capacity to members of the profession in matters of interpretation of the code of ethics.

Subd. 3. The commission shall elect a chairman and such other officers as it may deem necessary.

Subd. 4. The commission shall develop and create criteria, rules, and regulations for the certification of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission shall revise or supplement the criteria for certification of public school teachers subject to approval by the state board. It shall be the duty of the commission to establish criteria for the approval of teacher education programs subject to approval by the board. Subject to criteria, rules, and regulations approved by the state board of education, the commission shall also grant certificates to interns and to candidates for original certificates and receive recommendations from local committees as established by the commission for the renewal of teaching certificates, to grant life certificates to those who qualify according to requirements established by the commission, and suspend or revoke certificates pursuant to section 125.09. With regard to vocational education teachers the commission shall adopt and maintain as its criteria the state plan for vocational education.

In the event the state board of education disapproves any proposal from the commission, it shall give written notice of such disapproval within 120 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the commission at any time after the expiration of 90 days after the date of disapproval.

Subd. 5. The secretary of the commission shall keep a record of the proceedings of and a register of all persons certificated under Laws 1973, Chapter 749. The register shall show the name, address, certificate number and the renewal thereof. The commission shall on July 1, 1974, or as soon thereafter as is practicable, and each year thereafter compile a list of such duly certificated teachers and transmit a copy thereof to the board. A copy of the register shall be available during business hours at the office of the commission to any interested person.

Subd. 6. The state board shall provide all necessary materials and assistance for the transaction of the business of the commission and all moneys received by the commission shall be paid into the state treasury as provided by law.

Subd. 7. Any person who shall in any manner represent himself as a certificated teacher without a valid existing certificate issued to him by the commission or any person who employs fraud or deception in applying for or securing a certificate shall be guilty of a gross misdemeanor.

Subd. 8. The sum of \$30,000 or so much thereof as may be necessary is appropriated to the state board of education from the general fund in the state treasury for the establishment of the commission to carry out the purposes of Laws 1973, Chapter 749.

Subd. 9. The commission may adopt rules and regulations, pursuant to Chapter 15, in order to effect the purposes of Laws 1973, Chapter 749. Rules and regulations so adopted shall be subject to the approval of the state board as provided in Laws 1973, Chapter 749. The state board shall not hold a public hearing pursuant to Chapter 15, with respect to rules and regulations adopted by the commission.

[1973 c 749 s 11]

**125.187 Validity of certificates**

No regulation adopted by the teacher standards and certification commission shall affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.

[1973 c 749 s 12]